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5 Counsel for Plaintiff  
6 And the Class  
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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13

14 ANGELA POTIKYAN, on behalf of )  
herself and all others similarly )  
15 situated, )

16 Plaintiff, )

17 v. )

18 JS DREAMS, INC. and CRISTCAT )  
CALABASAS, INC. (individually )  
19 and collectively doing business as )  
JOHNNY ROCKETS - COMMONS )  
20 AT CALABASAS), and DOES 1 )  
through 10, inclusive, )

21 Defendants. )  
22 )  
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Case No.: 2:13-cv-06237-JEM

**ORDER GRANTING MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
SCHEDULING FAIRNESS (FINAL  
APPROVAL) HEARING**

**HEARING**

Date: July 26, 2016

Time: 10:00 a.m.

Court Room: C (8<sup>th</sup> Floor)

Judge: Hon. John E. McDermott

1 The Court has received the class-wide Agreement Of Settlement And Release  
2 (the "Agreement" or "Settlement"), entered into between Plaintiff Angela Potikyan  
3 ("Potikyan" or "Plaintiff"), individually and on behalf of all others similarly situated,  
4 and Cristcat Calabasas, Inc. ("Cristcat" or "Defendant").

5 The Court previously certified the following Class:

6 "All consumers who, at any time during the period January 18, 2012  
7 to March 15, 2013, made a purchase or other transaction at the Johnny  
8 Rockets Calabasas Restaurant (located at 4799 Commons Way, Suite  
9 J, Calabasas, California 91302) using their credit card or debit card."

10 Dkt. No. 52, ¶ 8.

11 The Court previously appointed Plaintiff Angela Potikyan as Class  
12 Representative for the Class. Dkt. No. 52, ¶ 9.

13 The Court previously appointed Plaintiff's counsel, Chant Yedalian of Chant  
14 & Company A Professional Law Corporation, as Class Counsel for the Class. Dkt.  
15 No. 52, ¶ 10.

16 After reviewing the Agreement and other documents filed in support of the  
17 Motion For Preliminary Approval Of Class Action Settlement, and having  
18 considered the arguments by the respective parties, THE COURT HEREBY  
19 ORDERS THE FOLLOWING:

20 1. The Court hereby grants preliminary approval of the proposed  
21 Settlement upon the terms and conditions set forth in the Agreement. The Court  
22 preliminarily finds that the terms of the proposed Settlement are fair, adequate and  
23 reasonable and comply with Rule 23(e) of the Federal Rules of Civil Procedure  
24 ("FRCP").

25 2. The Court preliminarily finds that the Settlement is the product of  
26 serious, informed, non-collusive negotiations conducted at arm's-length by the  
27 Parties. In making these preliminary findings, the Court considered, among other  
28 factors, the potential statutory damages claimed in the lawsuit on behalf of Plaintiff

1 and members of the Class, Defendant's bankruptcy and funds available therein,  
2 Defendant's potential liability, the risks of continued litigation including trial  
3 outcome, delay and potential appeals, the substantial benefits available to the Class  
4 as a result of the Settlement, and the fact that the proposed Settlement represents a  
5 compromise of the Parties' respective positions rather than the result of a finding of  
6 liability at trial. The Court further preliminarily finds that the terms of the  
7 Settlement have no obvious deficiencies and do not improperly grant preferential  
8 treatment to any individual member of the Class.

9 3. The Court approves the following notice plan to the Class:

10 i. **Summary Notice**

11 Plaintiff will cause to be published, on two occasions, a summary notice  
12 ("**Summary Notice**"), in the form shown in **Exhibit 6** (attached to the Declaration  
13 of Chant Yedalian), in the LA Weekly. A first publication shall be made within 30  
14 days of the entry of this Order, and the second publication will be made between 21  
15 and 28 days after the first publication. Each of the two publications shall be ¼ of  
16 the LA Weekly's standard page size.

17 ii. **Full Notice**

18 The Summary Notice states a toll-free number which Class Members may use  
19 to call Class Counsel and also states the URL of a website,  
20 www.RestaurantReceiptLawsuit.com, which Class Members may visit for further  
21 information and obtain a viewable and printable on-line long-form notice ("**Full**  
22 **Notice**"), which will be in the form shown in **Exhibit 7** (attached to the Declaration  
23 of Chant Yedalian). Beginning no later than 30 days after the Court's entry of this  
24 Order, and continuing until the last day on which Class members may request  
25 exclusion from the Class, Plaintiff's counsel shall make the Full Notice available to  
26 view and print at www.RestaurantReceiptLawsuit.com.

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1                    **iii      Opt-Out Deadline**

2            Class Members will have 60 days from the date the Summary Notice is first  
 3 published in the LA Weekly to request to be excluded from the Class (the "**Opt-Out**  
 4 **Deadline**"). To request exclusion from the Class, each Class Member who requests  
 5 exclusion must include their respective name, address, telephone number, and  
 6 signature on correspondence requesting that they be excluded as a Class Member  
 7 from *Potikyan v. JS Dreams, Inc., et al.*, C.D. Cal. Case No. CV13-6237 JEM, and  
 8 the correspondence must be mailed, and postmarked no later than the Opt-Out  
 9 Deadline, to Class Counsel at the following address:

10            Chant Yedalian, Esq.  
 11            CHANT & COMPANY  
 12            A Professional Law Corporation  
 13            1010 N. Central Ave.  
 14            Glendale, CA 91202

15                    **iv.      Claims Deadline and Claim Form**

16            Class Members will have 60 days from the date the Summary Notice is first  
 17 published in the LA Weekly to submit a claim for payment by U.S. Postal Mail (the  
 18 "**Claims Deadline**"). To submit a claim, Class Members must use the claim form  
 19 ("**Claim Form**") in the form shown in **Exhibit 8** (attached to the Declaration of  
 20 Chant Yedalian) and, as set forth in the Full Notice, it must be sent by postal mail to  
 21 Class Counsel and postmarked by no later than the Claims Deadline or submitted  
 22 online or by facsimile by the Claims Deadline. Beginning no later than 30 days  
 23 after the Court's entry of this Order, and continuing until the Claims Deadline,  
 24 Plaintiff's counsel shall make the Claim Form available to view and print at  
 25 [www.RestaurantReceiptLawsuit.com](http://www.RestaurantReceiptLawsuit.com).

26            4.      The Court finds that the manner of the notice of Settlement set forth in  
 27 paragraph 3, including the Summary Notice, Full Notice and Claim Form,  
 28 constitutes the best notice practicable under the circumstances and is in full  
 compliance with the United States Constitution and the requirements of due process  
 and Rule 23 of the Federal Rules of Civil Procedure. The Court further finds that

1 the notice fully and accurately informs Class Members of all material elements of  
2 the lawsuit and proposed class action Settlement, of each member's right to be  
3 excluded from the Settlement, and each member's right and opportunity to object to  
4 the proposed class action Settlement and be heard at the (fairness) Final Approval  
5 Hearing.

6       5. Any Class Member, on his or her own, or through an attorney hired at  
7 his or her own expense, may object to the terms of the Settlement. Any such  
8 objection must be filed with the Court and also served on Class Counsel and  
9 Defendant's Counsel. To be effective, any such objection must be in writing and  
10 include the contents described in paragraph 7 below, and must be filed and served  
11 no later than sixty (60) calendar days after the date the Summary Notice is first  
12 published in the LA Weekly. Any objections not raised properly and timely will be  
13 waived.

14       6. Any Class Member, on his or her own, or through an attorney hired at  
15 his or her own expense, may object to Class Counsel's motion for Class Counsel's  
16 Fees and Expenses and/or the Class Representative's Service Award. Such motion  
17 will be posted on the Settlement website no later than thirty (30) calendar days  
18 before the Final Approval Hearing scheduled by the Court. Any objection must be  
19 filed with the Court and also served on Class Counsel and Defendant's Counsel. To  
20 be effective, any such objection must be in writing and include the contents  
21 described paragraph 7 below, and must be filed and served no later than twenty-one  
22 (21) calendar days before the Final Approval Hearing. Any objections not raised  
23 properly and timely will be waived.

24       7. To be effective, any objection described in paragraph 5 or paragraph 6  
25 above must contain all of the following information:

26           a. a reference at the beginning to this case, *Potikyan v. JS Dreams,*  
27 *Inc., et al.*, C.D. Cal. Case No. CV13-6237 JEM;

28           b. The objector's full name, address, and telephone number;

1 c. a written statement of all grounds for the objection, accompanied  
2 by any legal support for such objection;

3 d. copies of any papers, briefs, or other documents upon which the  
4 objection is based;

5 e. a list of all persons who will be called to testify in support of the  
6 objection; and

7 f. a statement of whether the objector intends to appear at the  
8 fairness hearing. If the objector intends to appear at the fairness hearing through an  
9 attorney, the objection must also state the identity of all attorneys representing the  
10 objector who will appear at the fairness hearing.

11 8. Any Class Member who requests to be heard orally at the Final  
12 Approval Hearing must file with the Court and serve on Class Counsel and  
13 Defendant's Counsel a written notice of intention to appear at the Final Approval  
14 Hearing ("Notice of Intention to Appear"). Any Class Member who does not  
15 provide a Notice of Intention to Appear in complete accordance with specifications  
16 set forth in the Full Notice, may be barred from speaking or otherwise presenting  
17 any views at the Final Approval Hearing. To be timely, a Notice of Intention to  
18 Appear must be postmarked no later than twenty-one (21) days before the Final  
19 Approval Hearing.

20 9. Class Counsel's motion for Class Counsel's Fees and Expenses and the  
21 Class Representative's Service Award shall be filed no later than thirty (30) calendar  
22 days before the Final Approval Hearing scheduled by the Court.

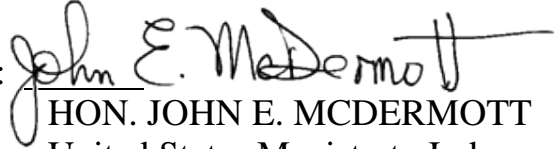
23 10. As set forth in the Agreement, Defendant is ordered to immediately  
24 make payment to Class Counsel all of the amounts currently due pursuant to ¶  
25 2(d)(iv) of the Agreement. In addition, with respect to amounts that become due  
26 after the date of this Order, Defendant shall also make payment of all such amounts  
27 to Class Counsel pursuant to ¶ 2(d)(iv) of the Agreement. All payments made by  
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1 Defendant to Class Counsel pursuant to ¶ 2(d)(iv) of the Agreement, shall be held  
2 in trust by Class Counsel pending final approval of the Settlement.

3 11. The Court will hold a (fairness) Final Approval Hearing on **November**  
4 **17, 2016, at 10:00 a.m.**, to consider the fairness, reasonableness and adequacy of  
5 the proposed Settlement as well as Class Counsel's Fees and Expenses and the Class  
6 Representative's Service Award. The Court reserves the right to adjourn or continue  
7 the (fairness) Final Approval Hearing without further notice to the Class Members.

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9 IT IS SO ORDERED.

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11 Dated: July 26, 2016

12 By:   
13 HON. JOHN E. MCDERMOTT  
14 United States Magistrate Judge  
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